

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
IN AND FOR UTAH COUNTY STATE OF  
UTAH.

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PROVO RESERVOIR COMPANY,  
a corporation,  
Plaintiff

vs.

PROVO CITY, et al,  
Defendants,

No. 2988 Civil  
CONTEMPT PROCEEDING

Copy of Testimony of Hyrum  
Heiselt given in behalf  
of Himself as a Defendant  
in the above entitled cause,  
on November 16, 1916, P.M.  
Found in Vol. VI. of the Of-  
ficial Transcript of the  
Evidence given in said Cause,  
Pages 2738 to 2741, Both  
Inclusive.

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HYRUM HEISELT, called by the defendant Hyrum  
Heiselt, first being duly sworn, testifies as follows:

DIRECT EXAMINATION by Mr. John E. Booth.

Q Your name is Hyrum Heiselt? A. Yes Sir.

A Where do you live?

Q Provo Canyon.

Q You have some land in there known as the Heiselt place?

A Yes sir.

Q You know the Steele farm, do you? A. Yes sir.  
Q It joins you?

A Yes sir.

Q How long have you been there?

A Been there about thirteen or fourteen years.

Q How long have you known the place.

A That long.

Q Who had it before you?

A My place?

Q Yes.

A Enos Carter.

Q How long have you known of his being there before you got it?

A Why, a good many years, I don't know how long.

Q Been a good while?

A Yes, he was there several years before I got it.

Q There is some springs that arise on your ground?

A Yes sir.

Q And some adjoining you on the Steele place?

A Yes sir.

Q Who else has used that water besides you and the people on the Steele place from those springs?

A Nobody.

Q And have you used it all?

A Yes sir.

Q During the irrigating season?

A Yes sir.

Q And all the time that you have been there?

A Yes sir.

Q And no interference from anybody?

A No sir.

Q What do you use the water for?

A Well, I use it for irrigating and fish pond. After it leaves the fish pond I use it for irrigating my orchard.

Q Mr. Heiselt, I hand you a paper marked Exhibit 134, purporting to be a stipulation between your self and the Provo Reservoir Company, and ask you if that is a stipulation that you and the Reservoir Company entered into?

A Yes sir.

MR. RAY: Judge Booth, does that stipulation in anywise provide for a change of the place of use of this water?

MR. JOHN E. BOOTH: No sir. Then we ask to make this a part of the record, your honor please.

THE COURT: It may be filed.

MR. JOHN E. BOOTH: It is already filed, I believe that is all from this witness.

CROSS EXAMINATION By Mr. Ray.

Q Mr. Heiselt, you have used this water, you say, for thirteen or fourteen years?

A Yes sir.

Q Prior to that Mr. Enos Carter used it?

A Yes sir.

Q You still have the same amount of land?

A Yes sir.

Q Using the same quantity of water ?

A Yes sir.

Q Have you transferred any water last few years?

A Not in those springs.

Q Have you sold any of the water which you formerly used on your place?

A Yes sir, I sold some river water that was decreed to me.

Q You sold some decreed river water?

A Yes sir.

Q Who did you sell it to?

A To Dixon.

Q That was water which you say had been decredd to you?



A Yes sir.

Q Are these springs sufficient for the irrigation of your place?

A They are on that side of the river.

Q Was the water which you sold to Dixon on the same side of the river?

A No sir.

Q What has become of the land which you sold to Dixon?

A Still farm it.

Q What do you raise on it.

A I use river water, what little I have left. I had nine minute feet decreed to me, and I got up against it for money and had to let some of it go.

Q You sold how much to Dixon

A Seven feet, I remember.

Q And you still have two minute feet?

A Yes sir.

Q Do you still you two minute feet upon it?

A Yes sir.

Q Is that sufficient for its proper irrigation?

A It is, for some crops, what I am using it for now, I am raising corn.

Q What did you have in before?

A Alfalfa.

Q There is not enough for the alfalfa?

A No sir.

Q Did it take five times as much water for alfalfa as for corn?

A I think it does, the way I farm it.

Q When you used that water, that nine minute feet of water

on this ground, there was quite a run off, wasn't there?

A I will tell you that water wasn't measured I know of  
when I was using it. When I was using it there  
before I sold it was the only ditch taken out  
and I would go there and take what water I wanted.

Q Did you ever use nine minute feet?

A I don't know how large a stream that would be, I used to  
fill my ditch whenever I wanted to.

Q You don't know whether it was more or less than nine  
minute feet?

A No, I couldn't say.

Q When you used whatever right was decreed to you on your  
alfalfa on that ground all the run-off and seep-  
age was back into the river.

A Yes sir.

Q And land was so situated that water found its way im-  
mediately back into the river?

A Yes sir.

MR. JOHN E. BOOTH: That is all of that, your  
honor please.

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